

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2077 of 1983

Date of decision: 06-09-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JB SOLANKI

Versus

STATE OF GUJARAT

Appearance:

MR SV RAJU for Petitioner

Mr. H. L. Jani for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/09/96

ORAL JUDGEMENT

The petitioner, an employee of the Revenue Department of the Gujarat Government, filed this petition seeking direction to the respondents to take back the petitioner as Deputy Mamlatdar with effect from 1-6-1978. The petitioner was ordered to be reverted from the post of Deputy Mamlatdar to that of Clerk for a period of two

years with effect from 1-6-1976 by way of penalty after holding departmental inquiry. That period of two years has come to an end on 1-6-1978, but he was not placed back on the post of Deputy Mamlatdar, which led to the filing of the present petition.

2. In the reply the respondents have given out reasons for not reinstating the petitioner on the post of Deputy Mamlatdar. After 1-6-1978 the petitioner has to his discredit many punishments, details of which are given in the reply affidavit. On the basis of those adversities if the petitioner has not been taken back as Deputy Mamlatdar I do not consider it to be an illegality committed by the Department. At one point of time the petitioner was removed from service, and afterwards he was taken back in service. The totality of the facts has to be considered, and in case the petitioner has blemished service record the respondents have rightly not restored him on the post of Deputy Mamlatdar. The punishments imposed on him have not been disclosed by the petitioner. Curiously enough, he has concealed all these facts from the court. These are relevant and material facts which should have been disclosed by the petitioner, but he deliberately had not disclosed the same. Whosoever approaches this court for getting equitable relief from this court should give out all relevant facts. That precisely has not been done by the petitioner. This is another ground on which the petition deserves to be dismissed.

3. In the result this writ petition fails and the same is dismissed. Rule discharged. No order as to costs.

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